

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )      Cause No. 3:08-cr-0010-RLY-MPB  
                                )  
JAMES A. WRIGHT,           )      - 01  
                                )  
Defendant.                 )

**REPORT AND RECOMMENDATION**

On July 13, and September 14, 2022, the Court held hearings on the Petitions for Warrant or Summons for Offender Under Supervision filed on December 17, 2021, and July 12, 2022. Defendant Wright appeared in person with his retained counsel Jeffrey Baldwin. The government appeared by Nicholas Linder, Assistant United States Attorney. U. S. Parole and Probation appeared by Officers Andrea Hillgoth and Brian Bowers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1.      The Court advised Defendant Wright of his rights and provided him with a copy of the petition.
2.      After being placed under oath, Defendant Wright admitted violation number 1. [Docket No. 59.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court; violation numbers 2 and 3 dismissed.
3.      The allegation to which Defendant admitted, as fully set forth in the petition, is:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<b>“The defendant shall not commit another federal, state, or local crime.”</b>  On December 10, 2021, the Avon Police Department interviewed Mr. Wright regarding stolen merchandise from his employer, Menards. Mr. Wright admitted to theft (felony) and law enforcement recovered over \$11,000 worth of stolen items. New criminal charges are forthcoming.
4.	The parties stipulated that: <ul style="list-style-type: none"><li>(a) The highest grade of violation is a Grade C violation.</li><li>(b) Defendant's criminal history category is VI.</li><li>(c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.</li></ul>
5.	The government recommended a sentence of incarceration below the guideline range with no supervised release to follow. Defendant's counsel argued for a period of home incarceration with no supervised release to follow. Defendant requested placement at FMC Lexington.  The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 30 days with no supervised release to follow. The Magistrate Judge would make a recommendation of placement to FMC Lexington. The Defendant is to be released on current conditions of supervised release pending the District Judge's action on this Report and Recommendation. Defendant will be permitted to self-surrender upon designation by the Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: September 14, 2022



Matthew P. Brookman  
United States Magistrate Judge  
Southern District of Indiana

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